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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 EMPLOYEE PAINTERS' TRUST; NORTHERN
NEVADA PAINTERS AND ALLIED TRADES
11 JOINT APPRENTICESHIP AND TRAINING
TRUST FUND, each acting by and through its
12 designated fiduciary, Todd Koch; and
INTERNATIONAL UNION OF PAINTERS AND
13 ALLIED TRADES INDUSTRY PENSION
TRUST FUND, acting by and through its
14 designated fiduciary, Gary J. Meyers,

15 Plaintiffs,

16 v.

17 SIMAS FLOOR COMPANY, INC., a Nevada
Corporation; GAIL SIMAS WARD, an Individual;
18 GREAT AMERICAN INSURANCE COMPANY,
a foreign corporation; SIMAS FLOOR CO, INC., a
19 California Corporation doing business as ROBERT
SIMAS FLOOR CO.; JAMES EDWARD SIMAS,
20 an Individual and Sole Proprietor doing business as
J.E. SIMAS FLOORS; CARMICHAEL FLOOR
21 COMPANY, a foreign corporation; PLATTE
RIVER INSURANCE COMPANY, a foreign
22 corporation; BISON CONSTRUCTION, a Nevada
Corporation; BROWN CONSTRUCTION, INC., a
23 foreign corporation; GLEN/MAR
CONSTRUCTION, INC., a foreign corporation; K-
24 W WESTERN, INC., a Nevada Corporation; K7
CONSTRUCTION, INC., a Nevada Corporation;
25 FRANK LEPORI CONSTRUCTION, INC., a
Nevada Corporation; PELLETT
26 CONSTRUCTION, LLC, a Nevada limited liability
company; SUNSERI CONSTRUCTION, INC., a
27 foreign corporation; WESTERN SURETY
COMPANY, foreign corporation; TRAVELERS
28

Case No.: 2:12-CV-00848-KJD-VCF

**NOTICE AND ORDER OF
VOLUNTARY DISMISSAL OF
DEFENDANT TRAVELERS
CASUALTY AND SURETY
COMPANY OF AMERICA
WITHOUT PREJUDICE AS TO
ITS SURETY BOND K7
CONSTRUCTION, INC, BOND
NO. 105462082, ONLY
[FRCP 41(a)(2)]**

CASUALTY AND SURETY COMPANY OF
AMERICA, a foreign corporation; MYRON
MARTIN, an Individual; RHONDA MARTIN, an
Individual; THOMAS PELLETT, an Individual;
SABRINA PELLETT, an Individual; JOHN DOES
I - X; and ROES ENTITIES, I-X,

Defendants.

The above-named Plaintiffs, acting by and through their counsel, Christensen James & Martin, pursuant to FRCP Rule 41(a)(2), do hereby dismiss their claims in the above-entitled action without prejudice against Defendant TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA as to surety bond number 105462082 ("Bond"), only, issued to K-7 Construction, Inc. ("K-7").

This dismissal is based upon the representation of K7 that it has not done any work or contracted with J.E. Simas Floors or Carmichael Floor Company to date. If it is later discovered otherwise, the Plaintiffs shall have the right, notwithstanding this order or any other Settlement Agreement or Release, to collect payment from K7 and/or its Bond for any delinquency resulting from such work or contract.

DATED this 5th day of September, 2012.

CHRISTENSEN JAMES & MARTIN

By: /s/ Sara D. Cope

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IT IS SO ORDERED.

Dated this 17th day of Sept., 2012.


DISTRICT COURT JUDGE